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10/717,536

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EXAMINER

CHOI, STEPHEN

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/717,536
Filing Date: November 21, 2003
Appellant(s): HOLLIS ET AL.

MAILED

JAN 3 2004

Group 3700

Thomas A. Corrado
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 10, 2007 appealing from the Office action mailed March 9, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on May 22, 2007 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5, 29, 31, and 52-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Garuglieri (US 6,021,700).

Garuglieri discloses all the recited elements of the invention including a base assembly with a top surface (e.g., 16), a fence assembly mounted to the base assembly with a front surface positioned above the top surface of the base assembly (e.g., 17), a saw support assembly (e.g., 26) rotatably mounted to the base assembly to rotate relative to the base assembly about a first rotational axis, a saw unit having a saw blade (e.g., 36), and a bevel angle locking actuator (e.g., 172) rotating in unison with the saw support assembly about the first rotational axis. Regarding claim 2, e.g., Figure 2b. Regarding claims 3-5, e.g., col. 4, line 25 (US 5,590,991). Regarding claim 31, e.g., Figure 2a. Regarding claim 54, a bevel locking linkage (e.g., 172) changing/moving to a position shown on Figure 2a which is in a direction normal to the first rotation axis causes the saw support assembly to be pushed against the base assembly.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garuglieri.

Garuglieri discloses the invention substantially as claimed except for the elongated lever formed from stamped sheet metal. However, it would have been an obvious matter of design choice to a person of ordinary skill in the art to form the lever from stamped sheet metal because applicant has not disclosed the lever formed from stamped sheet metal provides an advantage, is used for particular

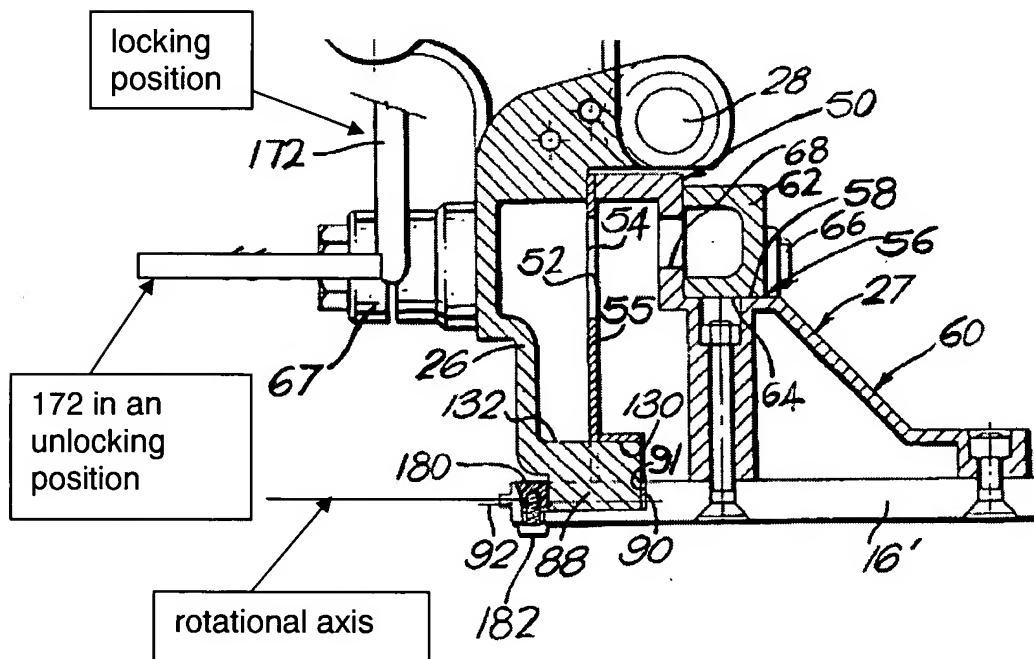
purpose, or solves a stated problem. One of ordinary skill in the art would have expected Garuglieri's lever and applicant's lever to perform equally well since both would have performed the same function. It has been held to be within the general skill of a worker to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Note that this is not a new ground of rejection (see the office action of 10/03/2005).

(10) Response to Argument

Appellants contend that Garuglieri does not teach the bevel angle locking actuator mounted to the saw support assembly set forth in claim 1 and the bevel locking lever pivotally mounted to the saw support assembly set forth in claim 52 because the term "mounted" is defined as "to fix securely to a support" and the element 172 is attached to a tightening arrangement 67 and a link pin 66 rather than being fixed securely to the pivot support 26. Appellants further contend that Garuglieri does not teach the bevel locking linkage which translates in a direction normal to the first rotational axis, the translation of the bevel locking linkage causing the saw support assembly to be pushed against the base assembly creating friction which prevents relative rotation set forth in claim 54.

The examiner respectfully disagrees. According to Merriam-Webster Online Dictionary (definition v. 6a.), "mounted" is defined as "to attach to a support". The element 172 is attached to the elements 66 wherein the element 66 joins the element 62 to the element 26 which is the saw support assembly. Hence, the bevel angle locking actuator 172 is indirectly mounted to the saw support assembly 26. In addition, the term "translate" is defined as

“changing from one place, state, form, or appearance to another”. Merriam-Webster Online Dictionary (definition v. 1a) translate: to bear, remove, or change from one place, state, form, or appearance to another. The bevel locking linkage (e.g., 172) does translate since the element 172 changes from a state of unlocking position to a state of locking position in a direction normal to the first rotational axis. The figure below shows the bevel locking linkage 172 in a locking position which is in a direction normal to the first rotation axis.



(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Stephen Choi/

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